

1 **O'MELVENY & MYERS LLP**

2 Richard B. Goetz (SBN 115666)

3 Amy J. Laurendeau (SBN 198321)

4 4000 South Hope Street

5 Los Angeles, CA 90071

6 Telephone: (213) 430-6000

7 *Attorneys for Defendant*

8 *Amylin Pharmaceuticals, LLC*

9

10

11 **UNITED STATES DISTRICT COURT**

12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 IN RE INCRETIN-BASED

14 THERAPIES PRODUCTS

15 LIABILITY LITIGATION

16 Case No. 3:13-md-02452-AJB-MDD

17 MDL 2452

18

19 **JOINT MOTION TO EXTEND**

20 **BRIEFING SCHEDULE ON**

21 **RENEWED MOTION TO SEAL**

22

23 Judge: Hon. Anthony J. Battaglia

24

25 *This Document Relates to All Cases*

26

27

28

In this Joint Motion, Defendants Amylin Pharmaceuticals, LLC; Eli Lilly and Company; Merck Sharp & Dohme Corp.; and Novo Nordisk, Inc., and the Plaintiffs' Steering Committee seek to extend by eight days, to May 29, 2014, the May 21, 2014 deadline set forth in this Court's Order Denying Motion to File Under Seal (Doc. 444) for the Parties to refile a motion to file under seal the sealed documents that Plaintiffs lodged under seal in support of their Opposition to Defendants' Motion for Summary Judgment. (*See* Mot. to Seal (Doc. 441).) In support of this Motion, the parties state as follows:

1. Plaintiffs filed their Motion to Seal (Doc. 441) on Monday, May 12, 2014.

1 2. Plaintiffs served the sealed documents on Defendants via First Class
2 U.S. Mail on Monday, May 12, 2014.

3 3. On Tuesday, May 13, 2014, the Court denied Plaintiffs' Motion to
4 Seal without prejudice, ordering the parties to file a renewed motion to seal by
5 May 21, 2014. (*See* Doc. 444.)

6 4. Defendants first received actual notice of the documents that Plaintiffs
7 filed under seal when Plaintiffs provided the documents to Defendants via secure
8 File Transfer Protocols on Wednesday, May 14, 2014.

9 5. In order to allow Defendants time to adequately review the documents,
10 Defendants have requested that the deadline for the Parties to refile a motion to file
11 under seal be extended eight days, to May 29, 2014.

12 6. Plaintiffs do not oppose this requested extension.

13 7. The requested extension will leave a renewed motion to file under seal
14 fully briefed more than a month before the Court's July 1, 2014 hearing on the
15 Defendants' Motion for Summary Judgment.

16 8. The Parties submit that this extension will serve the interest of justice
17 and judicial economy.

18 //

19 //

20 //

21

22

23

24

25

26

27

28

1 Dated: May 16, 2014

2 /s/ Michael K. Johnson
3 Michael K. Johnson
4 Kenneth W. Pearson
5 **JOHNSON BECKER, PLLC**
6 33 South Sixth Street,
7 Suite 4530
8 Minneapolis, Minnesota 55402
9 Telephone: (612) 436-1800
10 Facsimile: (612) 436-1801
11 mjohnson@johnsonbecker.com

12 *Counsel for Plaintiffs' Steering
13 Committee*

14 /s/ Amy Laurendeau
15 **O'MELVENY & MYERS LLP**
16 Richard B. Goetz (SBN 115666)
17 Amy J. Laurendeau (SBN 198321)
18 4000 South Hope Street
19 Los Angeles, CA 90071
20 Telephone: (213) 430-6000
21 Facsimile: (213) 430-6407

22 *Attorneys for Defendant Amylin
23 Pharmaceuticals, LLC*

24 By:
25 /s/ Valerie E. Torres
26 **LATHAM & WATKINS LLP**
27 Stephen P. Swinton (SBN 106398)
28 Valerie E. Torres (SBN 223011)
12670 High Bluff Drive
San Diego, CA 92130
Telephone: (858) 523-5400
Facsimile: (858) 523-5450
Email: stephen.swinton@lw.com
Email: valerie.torres@lw.com

29 - and -

30 **PEPPER HAMILTON LLP**
31 Nina M. Gussack
32 Kenneth J. King
33 3000 Two Logan Square
34 Eighteenth & Arch Streets
35 Philadelphia, PA 19103-2799
36 Telephone: (215) 981-4000
37 Facsimile: (215) 981-4750
38 Email: gussackn@pepperlaw.com
Email: kingk@pepperlaw.com
39 for *Attorneys for Defendant*

Eli Lilly and Company

/s/Heidi Levine
Heidi Levine
DLA PIPER LLP (US)
1251 Avenue of the Americas, 27th
Floor
New York, NY 10020
Tel: 212.335.4500
Fax: 212.335.4501
heidi.levine@dlapiper.com

Attorneys for Defendant Novo Nordisk Inc.

/s/Ana Reyes
Ana Reyes
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005-5901
Telephone: (202) 434-5000
Facsimile: (202) 434-5029
areyes@wc.com

*Attorneys for Defendant
Merck Sharp & Dohme Corp.*

SIGNATURE ATTESTATION

Under Section 2.f.4 of the Court's CM/ECF Administrative Policies, I hereby certify that authorization for the filing of this document has been obtained from each of the other signatories shown above and that all signatories have authorized placement of their electronic signature on this document.

By: /s/ Scott M. Edson
Scott M. Edson

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2014, I caused the foregoing to be electronically filed with the clerk of the court using the CM/ECF system which will send notification of such filing to the e-mail address denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 16, 2014, at Newport Beach, California.

/s/ Amy J. Laurendeau
Amy J. Laurendeau